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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,076	06/30/2003	Brian M. Novack	P23663	7858

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EXAMINER	
AL AUBAIDI, RASHA S	

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/608,076	NOVACK, BRIAN M.	
	Examiner	Art Unit	
	Rasha S. AL-Aubaidi	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on November 12, 2005 has been entered. No claims have been amended. No claims have been canceled. No claims have been added. Claims 1-22 are pending in this application, with claims 1, 6, 7, 14 and 19 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donaghue, Jr. (US PAT # 6,256,381) in view of Lozinski et al. (US PAT # 6,055,306).

Regarding claim 1, Donaghue teaches a first automatic response unit (which reads on the claimed first intelligent peripheral, the automatic response unit placed within call center 22, see Fig. 1 and col. 5, lines 10-13) for providing a telecommunications service to a calling party (reads on the call origination server or telephone 20, see Fig. 1 and col. 5, lines 1-2), comprising: a receiver (reads on call center 22 receiving the call at step 52, see col. 5, lines 54-56 and Fig. 2) that receives a

call from the calling party (call originator server or telephone 20); a determiner that determines whether to contact a second automatic response unit (this basically reads on the call server 'automatic response unit' making a decision to transfer the original call, see col. 6, lines 12-15); and a call initiator (reads on telephone 30 of the first call center 22, see col. 6, lines 14-15) that establishes a call connection with the second automatic response unit.

Donaghue teaches the use of an automatic response unit in each call center (22 and 24, Fig. 1), which communicates and transfers customer's call from one call center to another. However, Donaghue does not specifically teach the use of an intelligent peripheral or the interaction of the intelligent peripheral with the calling party.

However, Lozinski teaches an intelligent peripheral and/or voice response unit 14 (see Figs. 2-3, col. 1, lines 7-12 and col. 8, lines 49-50) that plays messages and performs interaction sessions with callers (see col. 2, lines 13-14 and lines 21-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of having an intelligent peripheral/VRU that plays messages and interacts with callers, as taught by Lozinski, into the Donaghue system. Again, it is obvious (if not inherent) that Automatic Response Units in Donaghue interact with the callers for the obvious and well-known reasons.

Claims 5-7, 14 and 19 are rejected for the same reasons as discussed above with respect to claim 1. The claimed feature of "a plurality of intelligent peripherals" as recited in claims 7, 14 and 19 basically read on having more than one automatic response unit (see col. 5, lines 8-13).

Claims 2, 8, 15 and 22 recite "the interaction between the first intelligent peripheral and the second intelligent peripheral being an exchange of signals comprising at least one of predetermined dual tone multifrequency signals, prerecorded speech and computer generated speech". Lozinski teaches that the IP/VRU can play message (i.e., prerecorded messages), see col. 5, lines 37-38.

Regarding claims 3, 9 and 16, Donaghue teaches a creator (reads on the application server 34, see col. 5, lines 58-62) that creates a session information entry that includes information related to the call for a session database that stores the entry (see col. 5, lines 62-67 and col. 6, lines 1-3), the entry being retrieved from the session database by the second intelligent peripheral (col. 7, lines 14-26). Regarding the claimed feature "the information related to the call being updated by the second intelligent peripheral, and the second intelligent peripheral being disconnected from the call after updating the information related to the call". Donaghue teaches the CTR (Call Transaction Data Record) is updated accordingly. However, Donaghue does not specifically teach that the second automatic response unit (which reads as the intelligent peripheral) actually updated the record. However, having the intelligent

peripheral to update the record is obvious and well known in the art. Logically information can be updated and modified at anytime especially when the call is no longer serviced at the first original peripheral.

Claims 4, 10-12, 17 and 20-21 are rejected for the same reasons as discussed above with respect to claims 3, 9 and 16. Also the claimed feature of "disconnecting the second intelligent peripheral after updating the information related to the call" as recited in claim 11 is obvious and well known in the art. Normally, there is no need to have the intelligent peripheral running after the updating all the information. Updating the information may be the last step performed by the IP and therefore the session must be closed.

Claims 13 and 18 recite "establishing a three way call by bridging the call between the calling party and the first intelligent peripheral with the call between the first intelligent peripheral and the second intelligent peripheral". Donaghue teaches the first call center receives the original call. However, the first call center may decide to transfer the call to the second call center, this way Donaghue will perform the three-way call bridging at that stage.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 6, 7, 14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonsson (US Patent 6,208,856).

Jonsson teaches the use of plurality of service nodes SNs ("intelligent peripherals" IPs) such as SN/IP 102 and SN/IP IP 103 (Fig. 1) and teaches that an SN/IP receives calls from callers 105 and provides services. SN/IP 102 and SN/IP 103 are connected via switch 106, which re-routes a call from SN/IP 102 (preferred service node) to SN/IP 103 (standby service node). SN/IP 102 has a memory that stores list of subscribers and also stores standby subscription numbers corresponding to a re-routing of calls (see col.3, lines 3-49, Fig. 1). Maintenance Server 110 initiates the action of transferring the call among the SN/IPs. The claimed "first intelligent peripheral" reads on the combination of the preferred SN/IP 102 and server 110. Thus, when the preferred service node SN/IP 102 has a difficulty of some type of failure, as taught by the reference, server 110 would transfer the call to SN/IP 103, which will provide services.

Claims 6-7, 14 and 19 are rejected for the same reasons as discussed above with respect to claim 1. The claimed feature of "a plurality of intelligent peripherals" as recited in claims 7, 14 and 19 basically read on having more than one automatic response unit (see col. 5, lines 8-13).

6. Claims 1, 6, 7, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donaghue, Jr. (US PAT # 6,256,381).

Regarding claim 1, Donaghue teaches a first automatic response unit (which reads on the claimed first intelligent peripheral, the automatic response unit placed within call center 22, see Fig. 1 and col. 5, lines 10-13) for providing a telecommunications service to a calling party (reads on the call origination server or telephone 20, see Fig. 1 and col. 5, lines 1-2), comprising: a receiver (reads on call center 22 receiving the call at step 52, see col. 5, lines 54-56 and Fig. 2) that receives a call from the calling party (call originator server or telephone 20); a determiner that determines whether to contact a second automatic response unit (this basically reads on the call server 'automatic response unit' making a decision to transfer the original call, see col. 6, lines 12-15); and a call initiator (reads on telephone 30 of the first call center 22, see col. 6, lines 14-15) that establishes a call connection with the second automatic response unit. The claimed feature of "interacting with the calling party" is inherent in the Donaghue system. Interaction with the caller is one of the main capabilities of an IP/VRU in any call center.

Claims 6-7, 14 and 19 are rejected for the same reasons as discussed above with respect to claim 1. The claimed feature of "a plurality of intelligent peripherals" as

recited in claims 7, 14 and 19 basically read on having more than one automatic response unit (see col. 5, lines 8-13).

Old and Well-Known Feature Rejection

7. Claims 1, 6-7,14 and 19 are rejected for reading on old and well-known feature (Official Notice).

Examiner is taking Official Notice that transferring a call from a first ACD to a second ACD after the first ACD, via the use of a [first] Voice Response Unit VRU / **Intelligent peripheral** unit IP, decides that the call, for some reason, should be transferred to another [a second] ACD. That is, after the caller interacts with the first VRU/IP, the VRU/IP may decide to transfer the call to another department served by the second ACD. For example, a caller interested in Verizon's wireless services may call Verizon's landline ACD (a common mistake) and after responding to prompts from the VRU/IP (e.g., for wireless services press "4"), the VRU/IP transfers the call to the second ACD, which provides wireless services. The caller would then interact with a second VRU/IP.

The claims simply read on one VRU/IP in an ACD interacting with a caller and then deciding to transfer the call to another ACD. Many old real-life examples can be provided. The majority of these examples would be from large companies that have multiple ACDs and provide a variety of services.

Response to Arguments

8. Applicant's arguments filed 11/21/2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RASHA S. AL-AUBAIDI
PATENT EXAMINER
Art Unit 2642
02/02/2005